

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 660 of 1987

Date of decision: 14-08-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ATTAR SINGH C JAT

Versus

DIRECTOR GENERAL OF POLICE  
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Appearance:

MR Hardik Raval for Mr. YN OZA for Petitioners  
Mr. Nigam Shukla for Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/08/96

ORAL JUDGEMENT

The petitioners who are working as constables and head constables under respondent No.3 in Group No.12, State Reserve Police Force (SRPF) in wireless branch have filed this special civil application praying that the respondents may be directed to implement the Government Resolutions at annexure A and B dated 18th December, 1985 and 6th January, 1986 respectively, with retrospective effect from 1-5-1986 to give the benefit thereof to the petitioners.

2. Under annexure A the respondent Government had resolved that the system of giving compensatory off in lieu of working on holidays should be discontinued and the constables and head constables in the police department who are called upon to perform duties in situations involving disturbances of public order or imminent threat to it or for VIP bandobast on Sundays, second and fourth Saturdays and public holidays should be paid cash compensation equal to one day's salary for every full day's work and that the existing orders for grant of special casual leave for 20 days in a year stood cancelled.

3. It is not in dispute that the benefits of annexure -A were given to the petitioners from 1-1-1986 but abruptly from 1-5-1986 those benefits have been withdrawn. One of the contentions raised by the counsel for the petitioners is that this has been done without there being any justification. It has next been contended that it is a case where discrimination has been made in the matter of giving certain benefits.

4. Reply to this special civil application has not been filed. The learned counsel for the respondents contended that instead of approaching this court the petitioners should have first approached the department by way of representation which has not been done in the present case.

5. I have considered the submissions made by the learned counsel for the parties. In such matters it is always advisable to the persons concerned to first approach the department itself by way of representation or a notice demanding justice and only when the department declines to give them relief or the department sit over the representation or the notice of demand for a reasonably long period, there may be some justification

in their action to approach this Court. I do not consider it proper to go into the merits of the contentions raised by the learned counsel for the parties as I consider it appropriate in the present case to dispose of this special civil application with following directions.

6. The petitioners may make detailed representation to respondent No.2 in regard to the grievance made in this special civil application within a period of two months from today. Respondent No.2 is directed to consider the representation that may be made by the petitioner within four months from the date of receipt thereof. In case the grievance of the petitioners is accepted, then they may be given the benefits from 1-1-1986. If the grievance of the petitioners is not accepted, it is expected of respondent No.2 to pass reasoned order, a copy of which shall be sent by registered A.D. post to the persons who signed the representation. Rule made absolute in the aforesaid terms. No order as to costs.

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